

S294339

Original Case No. S_____

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Adam Bereki,
Petitioner.
v.

Superior Court of California for the County of Orange
(Limited Civil and Appellate Division)
Respondent.

Canjian Hou
(*Real Party in Interest*)

**EMERGENCY PETITION FOR WRIT OF MANDATE OR PROHIBITION,
REQUEST FOR STAY, RESTORATION OF POSSESSION, AND WRIT OF
SUPERSEDEAS; REQUEST FOR CONSOLIDATION WITH PENDING MANDATE
PETITION** (*Bereki v. Humphreys*, No. S_____)

*****STAY REQUESTED***
RELATED APPEAL PENDING**

Emergency request for immediate temporary stay of all further proceedings and enforcement in Orange County Superior Court (Limited Civil) Case No. 30-2025-01459684 and Appellate Division Consolidated Case Nos. 30-2025-01482941 (lead) and 30-2025-01487778, including enforcement of the March 18, 2025 unlawful-detainer judgment, the writ of possession, and the Appellate Division's November 17, 2025 Minute Order striking Petitioner's opening brief and threatening dismissal, and for restoration of possession pending this Court's determination of this Petition. There is no published phone number for the Appellate Div. of the Court.

Judges Knill, McConville, Mittal

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NOTICE TO COUNSEL AND REAL PARTY IN INTEREST
(Incorporated Verification Under Penalty of Perjury)

I, Adam Bereki, declare under penalty of perjury under the laws of the State of California as follows:

On December 14, 2025, at about 1:40 p.m., Pacific Standard Time, I gave actual telephonic and emailed notice to all known opposing counsel of record that I am filing the following two emergency original proceedings either today (Sunday) or tomorrow morning:

1. Petition for Writ of Mandate/Certiorari and/or Exercise of Original Jurisdiction to Vacate Void Judgment (*Bereki v. Humphreys* et al., Supreme Court Case No. S_____), with an emergency request for immediate temporary stay of all further enforcement of the April 20, 2017 judgment (Orange County Superior Court Case No. 30-2015-00805807) and restoration of the status quo ante; and
2. Emergency Petition for Writ of Mandate or Prohibition, Request for Stay, Restoration of Possession, and Writ of Supersedeas (*Bereki v. Superior Court* (Hou, Real Party in Interest), Supreme Court Case No. S____).

Specifically:

- I telephoned William Bissell, Esq., counsel for respondents Karen Humphreys and Gary Humphreys, at (949) 287-4503, spoke with counsel personally, and emailed written confirmation to wbissell@wgb-law.com.
- I also telephoned Henry Paloci, Esq., counsel for real party in interest Canjian Hou, at (844) 398-5500, left a detailed voicemail, emailed written confirmation to hpaloci@hotmail.com.
- Office of the Counsel for the Superior Court will be notified on 12/15/25 at 8:00 a.m.

True and correct copies of the confirming emails (with full headers) are attached to the Proofs of Service filed with each Petition. Both parties were also served by e-filing on Trufling.com.

I have therefore provided actual notice to all adverse parties' counsel of both emergency filings and the immediate relief sought in each.

Signed on December 14, 2025, at Las Vegas, Nevada.



Adam Bereki

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Petitioner Adam Bereki certifies that the following listed persons or entities (other than the parties themselves) have either (1) a financial interest in the subject matter of this proceeding or (2) any other interest that could be substantially affected by the outcome of this proceeding:

1. Canjian Hou – Purchaser of Petitioner's former home at non-judicial foreclosure sale; Plaintiff in related unlawful-detainer action (Orange County Superior Court No. 30-2025-01459684) and concurrently filed mandate proceeding.
2. Henry Paloci – Counsel of record for Canjian Hou in the unlawful-detainer and mandate actions.
3. Orange County Sheriff's Department, Civil Enforcement Division – Agency that executed the writ of possession in the unlawful-detainer action.
4. Citizens Bank NA (Foreclosing entity; interest in validity of foreclosure sale)
5. Trustee Corps (Foreclosure trustee; interest in validity of trustee's deed)
6. Citibank N.A. as Trustee (Senior lienholder; disputed in rem lien on property)
7. Shellpoint Mortgage Servicing (Servicer for Citibank; ongoing payments on disputed lien)

No other persons or entities are known to petitioner to have a financial or other interest in the outcome of this proceeding that would require disclosure under rule 8.208.

Dated: December 14, 2025

Respectfully filed,



Adam Bereki

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WHY EMERGENCY RELIEF AND STAY ARE REQUIRED

Petitioner Adam Bereki faces immediate, ongoing, and irreparable injury that can only be prevented by this Court's urgent intervention. In April 2025, the Orange County Sheriff's Department threatened forcible removal of Petitioner from his long-time family home at 818 Spirit Avenue, Costa Mesa, California 92626, pursuant to a writ of possession issued under a March 18, 2025 default judgment entered in a limited-civil unlawful-detainer action (Orange County Superior Court Case No. 30-2025-01459684). Petitioner vacated under duress. The underlying judgment is void ab initio for multiple independent reasons, chief among them that the limited-civil division never possessed subject-matter jurisdiction over an action that necessarily adjudicates title to real property worth approximately \$1.5 million and involves more than \$1 million in lost equity (Code Civ. Proc., §§ 85, 86(a)(1), 86(a)(4)).

Real Party in Interest Canjian Hou, the purported foreclosure-sale purchaser, now occupies the property and, upon information and belief (included photos of the demolition taken by neighbors), has already begun making substantial and irreversible alterations to the premises despite notice to cease and desist. Every day that passes without a stay causes further permanent damage to the real property, destroys Petitioner's equity, and deepens the irreparable harm of being wrongfully separated from his home of many years.

The void unlawful-detainer judgment rests exclusively on a trustee's deed issued after a November 18, 2024 fraudulent and void non-judicial foreclosure sale. That foreclosure was triggered directly and proximately by a single event: enforcement of a

2017 penal forfeiture judgment of approximately \$930,000 entered against Petitioner in Orange County Superior Court Case No. 30-2015-00805807 for alleged unlicensed contracting even though Petitioner was the qualifying individual (a licensee) of a general contractor license held in his and his company's name. That judgment was enforced by the Contractors State License Board by operation of statute causing a suspension/revocation of his vested license right without any hearing or appeal. Unable to obtain judicial relief, Petitioner's private contracts and obligations were impaired, including first and second mortgages on his home.

On October 30, 2025, the Court of Appeal (Fourth Dist., Div. Three) expressly held that no doctrine of res judicata, collateral estoppel, or law of the case bars relief from the 2017 judgment. Request for Judicial Notice. [RJN Ex. 15](#). Petitioner has concurrently filed in this Court a Petition for Writ of Mandate/Certiorari (*Bereki v. Humphreys*, S_____; incorporated as if fully set forth herein) establishing on multiple independent Constitutional and jurisdictional grounds that the 2017 judgment is void ab initio. A void judgment "is, in legal effect, no judgment" and "all proceedings founded upon it are equally worthless". *Bennett v. Wilson*, 122 Cal. 509, 513 (1898). It follows that the foreclosure sale, the trustee's deed, the unlawful-detainer judgment, and every order entered in the limited-civil and Appellate Division proceedings are likewise legal nullities.

Despite the patent jurisdictional defect and the active challenge to the sole obligation that caused the foreclosure, the Appellate Division of the Orange County Superior Court continues to assert jurisdiction over Petitioner's appeals (Consolidated Case Nos. 30-2025-01482941 and 30-2025-01487778). Most recently, on November 17, 2025, it struck Petitioner's opening brief and threatened dismissal — acts that themselves

are without the Appellate Division's fundamental jurisdiction when subject-matter jurisdiction is absent from the outset. [RJN Ex. 25](#); [Ex. 23](#). Additionally, the Fourth District Court of Appeal, on Petition for Writ of Mandate (Case No. G066117), refused to order the Appellate Division to abide its mandatory duty to transfer the case to the Fourth District Court of Appeal, issuing a one word "denied" to the Petition. [RJN Ex. 24– Writ Denial](#).

No adequate remedy exists at law. Monetary damages cannot restore Petitioner to his home or undo the daily destruction of his equity. The ordinary appellate process within the limited-civil system is powerless to grant relief because every order issued in that system is coram non judice and void.

Absent an immediate stay, writ of supersedeas, and order restoring possession pending final resolution, Petitioner will continued to suffer the loss of his home while this Court adjudicates the indisputable voidness of the judgments on which the dispossession rests. Such a result would reward the enforcement of void judgments this Court has the inherent power to prevent by granting emergency relief now.

For these reasons, Petitioner respectfully requests that this Court immediately:

- Stay all further proceedings and enforcement in the courts below;
- Issue a writ of supersedeas; and
- Restore Petitioner to possession of 818 Spirit Avenue, Costa Mesa, California 92626 pending final determination of these consolidated proceedings.

The balance of hardships tips decisively in Petitioner's favor, and the legal right to relief is clear. Emergency relief is not only warranted—it is required to prevent irreparable injury and to preserve this Court's ability to grant meaningful relief.

ISSUES PRESENTED

1. When an unlawful-detainer action filed in the limited-civil division necessarily requires adjudication of title to real property valued at approximately \$1.5 million, is the action outside the subject-matter jurisdiction of the limited-civil court under Code of Civil Procedure §§ 85, 86(a)(1), and 86(a)(4)?
2. When the foreclosure underlying the unlawful-detainer judgment was caused exclusively by a ~\$930,000 monetary judgment that the Court of Appeal has already declared is not shielded by res judicata, collateral estoppel, or law of the case ([RJN Ex. 15](#)), and a petition for writ of mandate challenging that monetary judgment on multiple voidness grounds is being filed concurrently, may this Court immediately stay enforcement of the unlawful-detainer judgment, issue supersedeas, restore possession, and consolidate the matters?

NOTICE REGARDING EXHIBITS

All Exhibits are incorporated as if fully set forth herein.

All references in this Petition to Requests for Judicial Notice (“RJN Ex. ____”) are hyperlinked to the identical documents filed with the concurrently submitted Request for Judicial Notice in this proceeding. Pages are bates numbered in the bottom right corner. The linked files are the exact copies of the exhibits as lodged with the Court and are hosted on a secure, publicly accessible Cloudflare R2 storage instance for convenience of review. No alterations have been made to any document.

INTRODUCTION

The limited-civil unlawful-detainer judgment that ejected Petitioner from his long-time domicile at 818 Spirit Avenue, Costa Mesa, rests entirely on a trustee’s deed obtained after a foreclosure that was caused solely by a void ~\$930,000 monetary judgment to be filed in this Court as soon as practically possible after this Emergency

Petition (*Bereki v. Humphreys*, S_____). The Court of Appeal has already held that no preclusion doctrine bars relief from that monetary judgment yet has declined merits determination of the judgment's validity. [RJN Ex. 15](#).

The limited-civil division of the Superior Court never had subject-matter jurisdiction over the unlawful-detainer action because: (1) the action required adjudication of title, and (2) the amount in controversy (the value of the property and Petitioner's lost equity) vastly exceeds \$35,000. Every order entered in that action—including the default judgment, the writ of possession, and the Appellate Division's refusal to transfer the appeal—is void ab initio.

Petitioner therefore seeks emergency relief: an immediate stay and writ of supersedeas, restoration of possession pending final resolution, vacatur of the void unlawful-detainer judgment, and consolidation with the pending petition for writ of mandate/ certiorari challenging the underlying monetary judgment.

**PRELIMINARY STATEMENT CONCERNING THE CONCURRENTLY
FILED PETITION FOR REVIEW**

(*Bereki v. Humphreys*, Supreme Court No. S_____)

As soon as practically possible after this Emergency Petition is filed, Petitioner will also file a Petition for Writ of Mandate/Certiorari *Bereki v. Humphreys* (Cal. Ct. App. No. G065695; Supreme Court No. S_____) challenging the ~\$930,000 penal forfeiture judgment entered against him in 2017 (Orange County Superior Court Case No. 30-2015-00805807).

That 2017 judgment is the direct and proximate cause of every subsequent injury Petitioner has suffered: it stripped him of his ability to earn a living (summary suspension of his contractor's license under Bus. & Prof. Code § 7071.17), forced him into Chapter 7 bankruptcy (C.D. Cal. No. 8:22-BK-12076-SC), caused the non-judicial foreclosure of his home on November 18, 2024, and is the only basis on which Real Party in Interest Canjian Hou claims title and purportedly obtained the unlawful-detainer judgment now before this Court.

The Court of Appeal has already held that no doctrine of res judicata, collateral estoppel, or law of the case bars relief from that 2017 judgment but refused to determine whether the judgment was in fact void. [RJN Ex. 15](#). The concurrently filed Petition for Writ of Mandate will demonstrate, on more than ten independent Constitutional grounds, that the 2017 judgment is in fact void ab initio for the following reasons (among others):

1. It imposes a penal forfeiture masquerading as equitable disgorgement in violation of the Excessive Fines Clause (Cal. Const., Art. I, § 17) and due process (no criminal protections were afforded despite the penal character of Bus. & Prof. Code § 7031(a) and (b)).
2. Private plaintiffs were allowed to prosecute what is effectively a public-welfare offense without executive authority (violating separation of powers).
3. The trial court lacked fundamental jurisdiction to impose criminal-like punishment in a civil proceeding and without any heightened protections.
4. Subsequent authority (*Liu v. SEC*, 591 U.S. 71 (2020); *Eisenberg Village v. Suffolk Construction Co.*, 53 Cal.App.5th 1201 (2020) confirms that the nature of the remedy under § 7031(a) and (b) is a penalty, not equitable relief.

“A void judgment is, in legal effect, no judgment. By it, no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless.” *Bennett v. Wilson* 122 Cal. 509, 513–514 (1898). Every act that flows from it—the license suspension, the foreclosure sale, the trustee’s deed, the unlawful-detainer judgment, and the Appellate Division’s ongoing proceedings—is likewise void.

Petitioner therefore requests that this Court take judicial notice of the entire record (see concurrently filed Request for Judicial Notice) and Petition for Writ of Mandate in *Bereki v. Humphreys* (S_____) and consolidate the two matters so that the validity of the 2017 judgment can be resolved once and for all, preventing the continued irreparable harm caused by enforcement of judgments that rest on a legal nullity.

JURISDICTION

This Court has original jurisdiction over petitions for writs of mandate and prohibition. Cal. Const., Art. VI, § 10; Code Civ. Proc., § 1085. Mandate lies to compel performance of a ministerial duty (here, transfer under § 396(b)) and to restrain acts in absence of fundamental jurisdiction. This Court possesses broad power to issue stays, supersedeas, and ancillary orders necessary to preserve its jurisdiction and prevent irreparable injury. Code Civ. Proc., § 923; *Deepwell Homeowners’ Protective Assn. v. City of Palm Springs*, 239 Cal.App.2d 63 (1965).

PARTIES

Petitioner Adam Bereki is the property owner and defendant in Orange County Superior Court Limited Civil Case No. 30-2025-01459684.

Respondent is the SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE (Limited Civil Division and its Appellate Division), Consolidated Case Nos. 30-2025-01482941 (lead case) and 30-2025-01487778.

Real Party in Interest Canjian Hou is the plaintiff in the unlawful-detainer action and the current occupant of the subject property.

STATEMENT OF FACTS

1. Petitioner incorporates all verified facts, arguments, stated in his Verified Opening Brief on Appeal and all exhibits annexed thereto in support thereof. [RJN Ex. Ex 26](#).
2. In 2017 the Orange County Superior Court entered a ~\$930,000 penal judgment against Petitioner under Business & Professions Code § 7031(a) and (b) (Case No. 30-2015-00805807).
3. That judgment, coupled with the denial of judicial relief, was the direct and proximate cause of Petitioner's financial collapse, summary license suspension/revocations under Business & Professions Code § 7071.17, Chapter 7 bankruptcy (C.D. Cal. No. 8:22-BK-12076-SC), impairment of his private contracts and obligations (including the ability to service his mortgages), non-judicial foreclosure on November 18, 2024, and the subsequent unlawful-detainer action.
4. On February 11, 2025, Real Party in Interest Canjian Hou filed a limited-civil unlawful-detainer complaint (Case No. 30-2025-01459684) seeking possession

after purportedly purchasing the property at the foreclosure sale for approximately \$371,688.

5. Petitioner repeatedly notified Hou and his counsel (both before and after the complaint was filed) that the foreclosure was invalid, that the ~\$930,000 judgment that was the direct and proximate cause of the foreclosure was void, that title was in dispute, and that the amount in controversy (approx. \$1.5 million value of property) far exceeded limited-civil jurisdiction.
6. Despite these notices and after refusing to accept Petitioner's Answer, the Superior Court refused to grant a stay and transfer the case to the general jurisdiction to adjudicate the underlying dispute. After refusing to accept Petitioner's Answer challenging jurisdiction, the limited-civil division entered default and a default judgment on March 18, 2025, issued a writ of possession, and Petitioner was threatened with forcible removal from the property in late March 2025. He vacated the property under duress on or about April 1, 2025.
7. The Appellate Division of the Superior Court refused to transfer the appeal to the Court of Appeal under Code of Civil Procedure § 396(b). Minute Orders of Oct. 9 & Oct. 17, 2025; [RJN Ex. 23](#) and, on November 17, 2025, struck Petitioner's Opening brief (challenging five court orders, making three Constitutional challenges and review of executive enforcement) for exceeding the 6,800-word limit applicable only to limited-civil appeals. Minute Order of Nov. 17, 2025. [RJN Ex 25](#); [Ex. 26– Verified Opening Brief on Appeal](#). The Appellate Division has not provided any authority or reasoning, given the circumstances in this case that it possesses subject matter jurisdiction to hear and determine the appeal. [RJN Ex. 23](#); [RJN Ex. 25](#).

8. On October 22, 2025, Petitioner filed a Petition for Writ of Mandate in the Court of Appeal, Fourth Appellate District, Division Three (Case No. G066117), seeking to compel the Appellate Division to transfer the appeal to the Court of Appeal pursuant to Code of Civil Procedure § 396(b). On October 29, 2025, the Court of Appeal summarily denied the Petition without opinion or statement of reasons. [RJN Ex. 24](#).

PRESERVATION OF ALL ISSUES AND CONSTITUTIONAL CHALLENGES

Petitioner expressly preserves and re-asserts every issue, question, and Constitutional challenge presented in his Verified Opening Brief ([RJN Ex. 26](#)) and related filings in Appellate Division Consolidated Case Nos. 30-2025-01482941 and 30-2025-01487778, including but not limited to:

- the voidness of the March 18, 2025 unlawful-detainer judgment for lack of subject-matter jurisdiction, extrinsic fraud, and due-process violations;
- the facial and as-applied constitutional challenge to California’s non-judicial foreclosure scheme (Civ. Code §§ 2924–2924k) both on its face and as applied in the November 18, 2024 foreclosure sale of Petitioner’s home at 818 Spirit, Costa Mesa, which transferred approximately \$1.2 million in home equity for ~\$371,688 after the repeated denial of a judicial determination of rights and remedy involving the 2017 judgment, thereby violating: – due process, and the Takings Clauses (Cal. Const., Art. I, §§ 7, 19; e.g. *Tyler v. Hennepin County*, 598 U.S. 631 (2023)) by authorizing state-action deprivation of a fundamental property interest without pre-deprivation hearing; the prohibition against bills of pains and penalties (Cal.

Const., Art. I, § 9; U.S. Const., Art. I, § 10); and the Excessive Fines Clause (Cal. Const. Art. I § 17).

- the Orange County Sheriff's Department's refusal to abide its mandatory ministerial duty to investigate credible complaints of criminal and Constitutional violations before enforcing a facially void writ of possession;
- the unauthorized exercise of judicial power by Commissioner Snuggs-Spraggins without stipulation;
- the excessive-fines and bills-of-pains-and-penalties violations arising from the 2017 judgment and its downstream effects;
- the clerk's refusal to file answers and premature entry of default;
- the Appellate Division's own lack of jurisdiction and refusal to transfer under Code of Civil Procedure § 396(b); and
- all other issues, arguments, and requests for relief set forth in the Verified Opening Brief, Motion to Take Additional Evidence, and Request for Judicial Notice.

These issues were fully briefed below (see [RJN Ex. 26– Verified Opening Brief](#)) and are inextricably intertwined with the jurisdictional question, and must be resolved in a court of competent jurisdiction. Petitioner requests that this Court adjudicate all of them on the merits due to the ongoing refusal of the lower Courts to abide their mandatory non-discretionary ministerial duties that continues to result in irreparable harm and damage to Petitioner and his estate.

ARGUMENT

I. The Limited-Civil Division and Its Appellate Division Lacked Subject-Matter Jurisdiction from the Outset

Code of Civil Procedure § 86(a) excludes from limited-civil jurisdiction any case (1) in which the amount in controversy exceeds \$35,000 or (2) that is brought to try title to real property.

Both exclusions apply here:

A. Amount in Controversy. Section 85 expressly provides that “amount in controversy” includes “the value of the property.” The property’s fair-market value is approximately \$1.5 million, and Petitioner’s lost equity exceeds \$1 million. The action therefore far exceeds the \$35,000 ceiling.

B. Adjudication of Title Required. Real Party’s claim to possession rests exclusively on a trustee’s deed obtained after a foreclosure that Petitioner has consistently contended was void because it was caused by a void ~\$930,000 judgment and fraud. Resolution of that dispute is a question of title that limited-civil courts are expressly prohibited from deciding. Code Civ. Proc., § 86(a)(1) & (4); *Flowers & Sons Development Corp. v. Municipal Court*, 86 Cal.App.3d 818, 823 (1978) (“if there is present in a case any material issue involving the title of real property which property is over the value of \$5,000 [the former threshold], the superior court[‘s] [unlimited civil division] has jurisdiction over the action”) citing *Vella v. Hudgins*, 20 Cal. 3d 251, 257 (1977) and Witkin, Cal.Procedure (2d ed. 1970) Jurisdiction, s 45, p. 569); see also *Reay v. Cotter*, 29 Cal. 168, 170 (1865) (“summary UD

proceedings were] not intended to apply to any case where the title to the land could be made a question”); *Kessler v. Bridge*, 161 Cal. App. 2d Supp. 837, 839 (Cal. App. Dep't Super. Ct. 1958) (“if it is shown that the real issue is not possession, but title, then unlawful detainer is held not to lie [Citation]”); *Dr. Leevil, LLC v. Westlake Health Care Center*, 6 Cal.5th 474 (2018) (distinguishing *Kessler* by noting that equitable defenses [in limited civil UD cases] are permissible only to the extent they negate title perfection for possession, not for broader equitable relief (e.g., fraud-based title disputes requiring unlimited jurisdiction)).

II. The \$930,000 Judgment Is the Sole Cause of the Foreclosure and the Unlawful-Detainer Judgment

The Fourth District Court of Appeal has already recognized that no preclusion doctrine bars relief from the ~\$930,000 judgment. Petitioner’s imminently filed Petition for Writ of Mandate in *Bereki v. Humphreys* (S_____) presents multiple independent grounds establishing that the judgment is void ab initio. A void judgment confers no rights and cannot support a subsequent foreclosure or unlawful-detainer action. *Bennett v. Wilson*, 122 Cal. 509, 513–514 (1898). See also [RJN Ex. 26 pp. 501–514](#) (UD Appeal) for additional reasons the foreclosure sale was tainted by fraud and other state and federal law violations and is void.

III. The Appellate Division’s Refusal to Transfer and Its Subsequent Orders Are Acts Without Fundamental Jurisdiction.

When subject-matter jurisdiction is absent, every subsequent order is coram non judice. The Appellate Division therefore has a clear, present, and ministerial duty under Code of Civil Procedure § 396(b) to transfer the appeal to the Court of Appeal. Its refusal

to do so (Oct. 9 & Oct. 17, 2025) and its November 17, 2025 order striking Petitioner's Opening Brief challenging jurisdiction, placing the appeal in default, and imposing a new deadline are reviewable by mandate. [RJN Ex. 25](#); *Padilla v. Department of Alcoholic Beverage Control*, 43 Cal.App.4th 1151, 1155–1156 (1996).

IV. The Limited-Civil Proceedings Violated Fundamental Due Process

Due process is denied when a party is deprived of a full and fair opportunity to be heard. *Windsor v. McVeigh*, 93 U.S. 274, 277–278 (1876). Petitioner was prevented from filing answers ([RJN Ex. 26 pp. 520–533](#); *Baske v. Burke*, 125 Cal.App.3d 38 (1981)), the title dispute was concealed and never heard ([RJN Ex. 26 pp. 520–533](#); *Asuncion v. Superior Court*, 108 Cal.App.3d 141, 147 (1980)), default was taken without proper notice (*Id.* p. 531), the Writ of Possession was awarded without authority (*Id.* pp. 532-44), and the court refused to vacate the resulting judgment (*Id.* pp. 544-54). These violations independently render the judgment void. *Windsor v. McVeigh*, 93 U.S. 274 (1876); *Shapell Socal Rental Properties, LLC v. Chico's FAS, Inc.*, 85 Cal.App.5th 198, 216 (2022). See also [RJN Ex. 26 pp. 501-514](#) regarding fraud that tainted the Bankruptcy proceedings and ultimately the foreclosure sale including violation of the emergency stay, fresh start, and homestead protections.

V. Irreparable Injury Is Ongoing and No Adequate Remedy Exists at Law

Petitioner has been permanently dispossessed of his long-time home. Real Party in Interest is in occupancy and has made substantial alterations without authority and despite notice to cease and desist. Monetary damages cannot compensate for the loss of a unique parcel of real property. Because the limited-civil court lacks jurisdiction and

the Fourth District Court of Appeal has breached its duty to order the Appellate Division to transfer the case, the ordinary appellate process cannot afford any relief.

INCORPORATION BY REFERENCE OF PRIOR FILINGS AND RELATED RECORDS

Petitioner hereby incorporates by reference, as though fully set forth herein, every pleading, motion, declaration, exhibit, request for judicial notice, appellate brief, writ petition, complaint, and correspondence in all cases and all complaints or reports submitted by him to all state or federal agencies concerning the facts and parties involved or related to this matter. These documents collectively exceed 10,000 pages and include hundreds of exhibits. In the interest of judicial economy and to avoid burdening this Court with duplicative filings, Petitioner has not appended the entirety of these records to the present Petition. Complete copies of all incorporated documents are on file with the respective courts and agencies, including those identified above and are available for immediate retrieval by this Court on its own motion or upon request. Petitioner will promptly lodge any specific document the Court may direct. See also concurrently filed Request for Judicial Notice.

RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue an immediate stay and writ of supersedeas halting all proceedings in Orange County Superior Court Limited Civil Case No. 30-2025-01459684 and Appellate Division Consolidated Case Nos. 30-2025-01482941 and 30-2025-01487778, including enforcement of the November 17, 2025 Minute Order;

2. Order Petitioner restored to possession of the real property at 818 Spirit Avenue, Costa Mesa, California 92626 pending final resolution of these proceedings;
3. Issue a peremptory Writ of Mandate or Prohibition directing the Superior Court to vacate the March 18, 2025 default judgment and the writ of possession as void for lack of subject-matter jurisdiction;
4. Consolidate this proceeding with *Bereki v. Humphreys* (S_____) for unified determination of the validity of the underlying ~\$930,000 monetary judgment and the validity of the foreclosure proceedings;
5. Award Petitioner monetary damages against Real Party in Interest Canjian Hou in an amount according to proof at an evidentiary hearing for (a) the reasonable rental value of the premises from April 2025 through the date possession is restored to Petitioner, (b) waste, destruction of property, alterations and renovations performed without Petitioner's consent following execution of the void writ of possession, and (c) all other consequential damages directly flowing from the unlawful occupation of the property;
6. Grant such other and further relief as the Court deems just and proper.

Dated: December 14, 2025

Respectfully filed,

A handwritten signature in black ink, appearing to be 'Adam Bereki', with a stylized, cursive script.

Adam Bereki

VERIFICATION

I, Adam Bereki, declare:

1. I am the Petitioner in this proceeding.
2. The facts stated herein are true of my own personal knowledge, except as to those matters stated on information and belief, and as to those I believe them to be true.
3. If called as a witness, I could and would competently testify to the matters stated herein.
4. All Exhibits referenced herein are true and correct copies of the documents or other evidence they purport to be.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Signed on December 14, 2025, at Las Vegas, Nevada.

A handwritten signature in black ink, appearing to be 'Adam Bereki', with a stylized, cursive script.

Adam Bereki

CERTIFICATE OF WORD COUNT

I certify, pursuant to California Rules of Court, rule 8.204(c), that the foregoing Petition for Writ of Mandate/Certiorari (including the caption, cover page, tables of contents and authorities, certificate of interested entities or persons, verification, signature block, notice of bankruptcy and this certificate) contains 5,199 words, as calculated by Microsoft Word.

Dated: December 14, 2025

A handwritten signature in black ink, appearing to be 'Adam Bereki', with a stylized, cursive script.

Adam Bereki